



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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DIVISION OF STATE COUNSEL
LITIGATION BUREAU

November 21, 2022

By ECF

The Honorable Glenn T. Suddaby
United States District Court
Northern District of New York
James M. Hanley Federal Building and U.S. Courthouse
100 South Clinton Street
Syracuse, NY 13261

Re: Antonyuk, et al. v. Hochul, et al., No. 1:22-CV-986 (N.D.N.Y) (GTS/CFH)

Dear Judge Suddaby,

This Office represents Defendants Steven A. Nigrelli, in his official capacity as Acting Superintendent of the New York State Police, and Matthew J. Doran, in his official capacity as Judge of the Onondaga County Court and Licensing Official for Onondaga County (collectively, the “State Defendants”), in the above-referenced action. I write to alert the Court to a mistaken attribution in the Court’s recent Decision and Order on the State Defendants’ motion to dismiss, ECF No. 85, and to request that the Court reconsider the legal conclusions in the applicable section.

On pages 6-7 of the Decision, the Court bases its conclusion that Judge Doran is a proper defendant in this action in substantial part on a “Doran Answer,” cited to as Docket Number 35. The Decision and Order states that in that answer “Defendant Doran admits he is ‘the proper party with respect to Plaintiffs’ challenge to the CCIA’s requirement and definition of ‘good moral character,’ along with its associated requirements of an in-person interview, disclosure of a list of friends and family, provision of four ‘character references,’ and ‘provision of three years of social media history.’” ECF No. 85 at 6-7 (citing “Dkt. No. 35, at ¶ 11 [Doran Answer]”). The Court’s recent Decision on Plaintiffs’ motion for a preliminary injunction likewise points to the same alleged admission in the “Doran Answer.” ECF No. 78 at 21.

However, Judge Doran has not filed an answer in this action; as the docket reflects, Judge Doran’s answer is due to be filed by December 1, 2022. See November 17, 2022 minute entry. The document at ECF No. 35 is the answer filed by Onondaga County District Attorney William Fitzpatrick and Sheriff Eugene Conway, who cannot make admissions on behalf of Judge Doran. Moreover, the Fitzpatrick/Conway Answer does not contain the admission in question. In

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discussing Paragraph 11 of Plaintiffs' Complaint, which makes the quoted allegation, D.A. Fitzpatrick and Sheriff Conway merely "admit the allegations of paragraph numbered 11 of the complaint that Matthew J. Doran is a judge of the Onondaga County Court. [D.A. Fitzpatrick and Sheriff Conway] lack knowledge or information sufficient to form a belief about the truth of the other allegations of paragraph 11 of the complaint." ECF No. 35 ¶ 3. In sum, the cited document is not an answer from Judge Doran, is not attributable to him, and does not contain the quoted admission.¹

The State Defendants submit this letter to correct the record, and respectfully request that the Court reconsider this part of its Decision and Order, dismiss Judge Doran as a defendant and the Plaintiffs' licensing-based claims, and grant such other and further relief as it deems just and proper. We thank the Court for its time and consideration of this matter.

Respectfully submitted,

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¹ Nor has Judge Doran made the alleged admission elsewhere. To the contrary, he has repeatedly maintained that he is not a proper party and that standing is lacking because no Plaintiff has any injury-in-fact fairly traceable to him. See, e.g., ECF No. 48 at 11-12; ECF No. 50-1 at 12-13; ECF No. 83 at 2-4 & n.7.